

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 25720	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/CH2004/000390	International filing date (<i>day/month/year</i>) 25.06.2004	Priority date (<i>day/month/year</i>) 26.09.2003
International Patent Classification (IPC) or national classification and IPC F04B43/12		
Applicant ISMATEC SA, LABORATORIUMSTECHNIK		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-7 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-14 as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/2-2/2 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	4, 7-9	YES
	Claims	1-3, 5, 6, 10-14	NO
Inventive step (IS)	Claims	7, 8	YES
	Claims	1-6, 9-14	NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
<p>This report makes reference to the following documents:</p> <p>D1: FR 2 599 434 A (BIOMED SYSTEMES) 4 December 1987 (1987-12-04)</p> <p>D2: US 4 631 008 A (STENNER GUSTAV H) 23 December 1986 (1986-12-23)</p> <p>D3: EP 0 731 275 A (EPENHUYSEN CHEM NV) 11 September 1996 (1996-09-11)</p> <p>V-1 The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claim 1 lacks novelty within the meaning of PCT Article 33(2).</p> <p>D1, which is regarded as the closest prior art, discloses (the reference signs in parentheses refer to said document): a peristaltic pump with a rotor (4) accommodated in a housing, said rotor having at least one pivotally arranged transport roller (6), and with a tube receiving device (12) for receiving at least one flexible tube section (11) that can be squeezed to ensure</p>			

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	<p>the peristaltic conveyance of a medium through the transport roller (6), the housing being formed by a dimensionally stable support frame (1,2) and the tube receiving device (12) such that said device can be clipped into the support frame (1,2) in the manner of a snap-in connection, and after being clipped in, the tube receiving device (12) is fixed in a dimensionally stable manner to the support frame (1,2) (cf. D1; page 4, lines 11-19; figure 2).</p> <p>V-2 In addition to D1, D2 and D3 also show all of the features of independent claim 1:</p> <p>D2 discloses (the reference signs in parentheses refer to said document): a peristaltic pump with a rotor accommodated in a housing, said rotor having at least one pivotally arranged transport roller (16), and with a tube receiving device (15) for receiving at least one flexible tube section (17) that can be squeezed to ensure the peristaltic conveyance of a medium through the transport roller (16), the housing being formed by a dimensionally stable support frame (18) and the tube receiving device (15) such that said device can be clipped into the support frame (18) in the manner of a snap-in connection, and after being clipped in, the tube receiving device (15) is fixed in a dimensionally stable manner to the support</p>

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	<p>frame (cf. D2, column 2, lines 35-45, figure 4) .</p> <p>D3 discloses (the reference signs in parentheses refer to said document): a peristaltic pump with a rotor (17) accommodated in a housing, said rotor having at least one pivotally arranged transport roller (19), and with a tube receiving device (2) for receiving at least one flexible tube section (21) that can be squeezed to ensure the peristaltic conveyance of a medium through the transport roller (19), the housing being formed by a dimensionally stable support frame (3) and the tube receiving device (2) such that said device can be clipped into the support frame (3) in the manner of a snap-in connection (15), and after being clipped in, the tube receiving device (2) is fixed in a dimensionally stable manner to the support frame (3) (cf. D3, column 4, lines 35-44, figure 1-3).</p> <p>Therefore, the disclosures in D2 and D3 are prejudicial to the novelty of claim 1 (PCT Article 33(1) and (2)).</p> <p>V-3 The subject matter of dependent claims 2, 3, 5, 6 and 10-14 likewise lacks novelty in view of D1, D2 and D3.</p> <p>V-4 The subject matter of dependent claim 4 is</p>

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	<p>novel, but it is rendered obvious by the combination of D1 and D2.</p>
V-5	<p>Dependent claim 9 contains no features that, in combination with the features of any claim to which they refer, meet the PCT requirements for inventive step.</p>
V-6	<p>The features of dependent claims 7 and 8, however, are novel. Therefore, these claims meet the requirement for novelty stipulated in PCT Article 33(2).</p> <p>The peristaltic pump according to claim 7 differs from that in D1 in that the catch elements (22) are arranged on the outer side of the legs (2a,2b), and in that the support frame (1) is provided with a web (14) for positively or non-positively connected support of each of the legs (2a,2b) of the tube bearing body (25) on the outer side. As is further defined in claim 8, the mounting of the tube bearing body on the support frame is thereby reinforced in addition to the spring-elastic internal stress of the legs resulting from the force of the squeezed tube section. Although D1 discloses a similar snap-in connection for a peristaltic pump, a person skilled in the art sees no reason to modify it such that a force-strengthening effect is obtained for the connection.</p>

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Therefore, the subject matter of claim 7
involves an inventive step (PCT Article
33(3)).